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4 5 6 7 8	JOHN STANLEY, SUPERVISORY TRIAL ATTORNEY MAY CHE, TRIAL ATTORNEY EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 909 FIRST AVENUE, SUITE 400 SEATTLE, WA 98104 TEL: (206) 220-6919 may.che@eeoc.gov			
9	ATTORNEYS FOR PLAINTIFF			
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12	IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE			
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14 15	EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	CIVIL ACTION NO.		
16	Plaintiff,	COMPLAINT		
17	V.	COMPLAINT		
18		JURY TRIAL DEMAND		
19	FRY'S ELECTRONICS, INC.			
20	Defendant.			
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23	NATURE OF THE ACTION			
24	T	0: "5: 14 A 4 44004	1 	
25	This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the			
	Civil Rights Act of 1991 to correct unlawful COMPLAINT- Page 1 of 6	employment practices on the	E DASIS OF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Seattle Field Office 909 First Avenue, Suite 400 Seattle, Washington 98104-1061 Telephone: (206) 220-6883	

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retaliation and sex and to provide appropriate relief to Ka Lam ("Mr. Lam") and America Rios ("Ms. Rios") who were adversely affected by such practices. The Equal Employment Opportunity Commission ("EEOC") alleges that defendant, Fry's Electronics, Inc. ("Fry's Electronics") retaliated against Ka Lam by terminating him because he had engaged in protected activity under Title VII when he opposed discrimination against Rios. The EEOC further alleges that Fry's Electronics subjected Ms. Rios to a hostile work environment because of sex. Plaintiff seeks monetary and injunctive relief, including pecuniary and nonpecuniary compensatory and punitive damages on behalf of Lam and Rios.

JURISDICTION AND VENUE

- 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.
- 2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Washington at Seattle.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission is the agency of the United States of America charged with the administration, interpretation and

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706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).
4. At all relevant times, defendant Fry's Electronics has been a corporation

enforcement of Title VII, and is expressly authorized to bring this action by Section

- 4. At all relevant times, defendant Fry's Electronics has been a corporation continuously doing business in the State of Washington and has continuously had at least 15 employees.
- 5. At all relevant times, defendant Fry's Electronics has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

- 6. More than thirty days prior to the institution of this lawsuit, charging party Lam filed a charge with the Commission alleging violations of Title VII by defendant Fry's Electronics. All conditions precedent to the institution of this lawsuit have been fulfilled as to claims alleging violations of Title VII as to Mr. Lam. All conditions precedent to the institution of this lawsuit have been fulfilled as to claims alleging violations of Title VII as to Ms. Rios because they are like or related to claims alleging violations of Title VII as to Mr. Lam.
- 7. From at least January 2007 until May 2007, defendant Fry's Electronics has engaged in unlawful employment practices at its Renton, Washington store in violation of § 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). The practices include subjecting Ms. Rios to a hostile work environment because of sex.

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	8.	The practices complained of in paragraph 7 by Ms. Rios were carried out		
by the Assistant Store Manager ("Assistant Manager") at defendant Fry's Electronics.				
The	Assista	nt Manager had supervisorial authority over Ms. Rios		

- 9. The practices complained of in paragraphs 7 and 8 by Ms. Rios include, but are not limited to, the following: the Assistant Manager repeatedly sent Ms. Rios text messages to Ms. Rios' cell phone, which commented her on how good she looked, offering her alcohol even though Ms. Rios was under age 21, inviting her to his home, and making reference to wanting to play with Ms. Rios' breasts.
- 10. On or about and between May 3, 2007 and May 30, 2007, defendant Fry's Electronics engaged in an unlawful employment practice at its Renton store in violation of § 704(a) of Title VII, 42 U.S.C. §§ 2000e-3(a). The practice includes subjecting Mr. Lam to retaliatory termination once he protested the discrimination against Rios complained of in paragraph 7-9.
- 11. The effect of the practices complained of in paragraph 7 -10 above has been to deprive Ms. Rios and Mr. Lam of equal employment opportunities.
- 12. The unlawful employment practices complained of in paragraph 7-10 above were intentional.
- 13. The unlawful employment practices complained of in paragraph 7-10 above were done with malice or with reckless indifference to the federally protected rights of the charging parties.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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- A. Grant a permanent injunction enjoining defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate.
- B. Order defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.
- C. Order defendant to make whole Ms. Rios and Mr. Lam by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7-10 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.
- D. Order defendant to make whole Ms. Rios and Mr. Lam by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7-10 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.
- E. Order defendant to pay Ms. Rios and Mr. Lam punitive damages for its malicious and reckless conduct described in paragraph 7-10 above, in amounts to be determined at trial.
- G. Grant such further relief as the Court deems necessary and proper in the public interest.
 - H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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The Commission requests a jury trial on all questions of fact raised by its 1 complaint. 2 3 4 5 DATED this 29th day of September, 2010. 6 7 WILLIAM R. TAMAYO P. DAVID LOPEZ Regional Attorney General Counsel 8 JOHN STANLEY JAMES L. LEE 9 **Supervisory Trial Attorney Deputy General Counsel** 10 **CARMEN FLORES GWENDOLYN Y. REAMS** 11 Associate General Counsel Senior Trial Attorney 12 MAY CHE Trial Attorney 13 14 15 BY: /s/ May Che **EQUAL EMPLOYMENT OPPORTUNITY** 16 COMMISSION Seattle District Office Office of the General Counsel 17 1801 "L" Street NW 909 First Avenue, Suite 400 Seattle, Washington 98104 18 Washington, D.C. 20507 Telephone (206) 220-6919 19 20 Attorneys for Plaintiff 21 22 23 24 25

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